

Sent to Comptroller
(May 20, 1985)

S.B. 140

Sent to Governor
(May 21, 1985)

S.C.R. 2	S.B. 316
S.C.R. 11	S.B. 351
S.C.R. 14	S.B. 395
S.C.R. 62	S.B. 398
S.C.R. 63	S.B. 500
S.C.R. 72	S.B. 526
S.C.R. 115	S.B. 546
S.C.R. 124	S.B. 655
S.C.R. 142	S.B. 675
S.C.R. 145	S.B. 811
S.C.R. 165	S.B. 854
S.B. 148	S.B. 894
S.B. 150	S.B. 956
S.B. 216	S.B. 1120
S.B. 233	S.B. 1211
S.B. 251	S.B. 1231
S.B. 281	S.B. 1267
S.B. 285	S.B. 1272
S.B. 286	S.B. 1282

SEVENTY-FIFTH DAY (Wednesday, May 22, 1985)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

A quorum was announced present.

Senator O. H. "Ike" Harris offered the invocation as follows:

Our dear Heavenly Father, forgive us of our sins and our trespasses. Be with us today in our deliberations. We pray in Your name. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Mauzy, Senators Caperton, Howard and Jones were granted leave of absence to meet with the appropriation conference committee.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred to **H.B. 10** by a non-record vote.

The House has adopted the Conference Committee Report on **S.B. 549** by a non-record vote.

S.B. 387, Relating to the creation, administration, powers, duties, and financing of the Texas Public School Retired Employees Group Insurance Program. (With amendment)

S.B. 589, Relating to the reorganization of statutes regulating probation and parole in criminal cases.

S.J.R. 21, Proposing a constitutional amendment to authorize use of proceeds from the sale of permanent school fund land to acquire other land as part of the permanent school fund.

S.B. 901, Relating to refunding bonds, and providing alternate and additional authority, procedures, and methods to governmental entities for issuing and selling refunding bonds and/or making deposits...

S.B. 820, Relating to the definition of the terms "motor carrier" and "contract carrier"; amending Subsection (1), Section 1a, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929 (Article 911b, VTCS).

S.B. 679, Relating to the use of state funds to renovate improvements to community mental health and mental retardation centers.

The House has concurred in Senate amendments to **H.B. 711** by a record vote of 68 ayes, 60 noes and 17 present not voting.

The House has concurred in Senate amendments to **H.B. 1426** by a record vote of 123 ayes, 12 noes and 6 present not voting.

S.B. 69, Relating to the amount of collateral required to qualify as a state depository.

S.B. 544, Relating to coverage for alcohol dependency in certain group policies and other health plans; excluding certain policies. (With amendment)

H.B. 158, Relating to requiring safety belts on school buses.

H.B. 2517, Relating to limitations on certain municipal annexations.

H.B. 1657, Relating to fire fighters' and police officers' civil services; providing a penalty.

H.B. 13, Relating to authorizing the court of criminal appeals to promulgate rules of procedure in criminal cases.

H.B. 280, Relating to application of offenses involving sexual contact to conduct between spouses.

H.B. 793, Relating to funding of compensatory education programs in public schools.

H.B. 655, Relating to certain contracts pertaining to the reenactment of a crime and the payments of proceeds from those contracts into an escrow account for crime victims' compensation.

H.B. 1553, Relating to imposition of rates under bond by a telecommunications utility.

H.B. 903, Relating to the creation of a voluntary program for the reduction of hours and wages of certain state employees.

H.B. 986, Relating to training teachers to recognize and respond to signs of abuse or neglect and to noting findings of child abuse on school records.

H.B. 1908, Relating to the creation of a warehouseman's lien on property belonging to an evicted tenant.

H.B. 2272, Relating to certain bank policies relating to the withdrawal or other use of deposited money.

H.B. 1739, Relating to the creation of the State Small Business Loan Authority and the assistance of small business.

H.B. 1193, Relating to the sale of estate property to the personal representative of the estate.

H.B. 88, Relating to the acknowledgment of parental consent for the marriage of certain minors.

H.B. 634, Relating to limitations on property taxes levied for public school purposes on homesteads of the elderly.

S.B. 713, Relating to contributions to the Employees Retirement System of Texas and the Teacher Retirement System of Texas and for the optional retirement program. (With amendment)

S.B. 840, Relating to the establishment and activities of a Center for Technology Development and Transfer at The University of Texas at Austin; making certain information confidential. (With amendment)

S.B. 656, Relating to the confidentiality of certain records of committees of hospitals and medical organizations and to immunity for furnishing certain information to the committees.

S.B. 175, Relating to the creation of the offense of abandoning or endangering a child and the admissibility of testimony of certain persons in the prosecution of the offense. (With amendment)

S.B. 317, Relating to due dates for payments and reports under the Tax Code.

S.B. 869, Relating to the prevention of family violence and the duties and authority of law enforcement officers, prosecutors, and courts in family violence cases. (With amendments)

S.B. 532, Relating to enforcement of agreements to arbitrate disputes.

S.B. 1415, Amending Article 11.01 and Article 11.20, Insurance Code of Texas, relating to converting, consolidating and merging a mutual life insurance company. (As substituted)

S.B. 906, Relating to the escheat of unclaimed property; to the powers and duties of holders of the property, the treasurer, and the attorney general; and to cooperation by other state agencies; creating an unclaimed money fund.

S.B. 940, Relating to the requirements and standards for and location of family homes for disabled persons. (With amendments)

S.B. 980, Relating to regulation of transportation of and commerce in fish and other edible marine products; providing penalties. (With amendment)

Motion to reconsider vote by which House concurred in Senate amendments to **H.B. 2403** prevails and requests the appointment of a Conference Committee.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Jones submitted the following report for the Committee on Finance:

C.S.H.B. 1250

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

H.B. 626
S.C.R. 154
S.C.R. 157
C.S.S.B. 928
S.B. 250
C.S.H.B. 321
H.B. 1912
H.B. 2160
S.B. 1449
H.C.R. 153
H.C.R. 133
H.C.R. 1
S.C.R. 167
S.C.R. 164
S.C.R. 159
S.C.R. 158
H.B. 2219
H.B. 773

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

C.S.H.B. 293
S.B. 1227
C.S.S.B. 1484
C.S.H.B. 2027
H.B. 2298
H.B. 1333
H.B. 1747
H.B. 1310
H.B. 1511
H.B. 2435
H.B. 2409
H.B. 2407
H.B. 1846
H.B. 2436
H.B. 1164
H.B. 46

H.B. 1478
H.B. 1889
S.B. 1469
S.B. 1468
H.B. 1349
H.B. 1856
H.B. 1007
H.B. 1205
H.B. 2428
H.B. 1955
H.B. 1335 (Amended)
S.B. 1491
C.S.S.B. 465

Senator Parker submitted the following report for the Committee on Education:

H.B. 1303
H.B. 2399
H.C.R. 75
H.B. 505
H.C.R. 100
H.B. 157 (Amended)
H.B. 2168

SENATE BILL AND RESOLUTIONS ON FIRST READING

On motion of Senator Jones and by unanimous consent, the following bill and resolutions were introduced, read first time and referred to the Committee indicated:

S.R. 481 by Parker Education
Requesting State Board of Education to conduct study of existing school facilities in State.

S.R. 483 by Parker Administration
Establishing delegation appointed by Lieutenant Governor to protest in Washington the proposed withholding and diversion of funds authorized for and allocated to States for water sports purposes.

S.R. 485 by Mauzy Administration
Directing Jurisprudence Committee to conduct interim study of delivery of legal services to the State.

S.C.R. 176 by Caperton State Affairs
Declaring legislative intent of **S.B. 772**, 68th Legislature.

S.B. 1495 by Jones Finance
Relating to the effective date of **H.B. 1147**, Acts of the 69th Legislature, Regular Session.

CO-SPONSORS OF HOUSE BILL 682

On motion of Senator Krier and by unanimous consent, Senators Caperton and Edwards will be shown as Co-sponsors of **H.B. 682**.

CO-SPONSOR OF HOUSE BILL 505

On motion of Senator Truan and by unanimous consent, Senator Edwards will be shown as Co-sponsor of **H.B. 505**.

CO-AUTHOR OF SENATE CONCURRENT RESOLUTION 174

On motion of Senator Brooks and by unanimous consent, Senator Mauzy will be shown as Co-author of **S.C.R. 174**.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

**PROCLAMATION
BY THE
GOVERNOR OF THE STATE OF TEXAS**

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Austin, Texas
May 21, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Mark White, Governor of the State of Texas, submit the following emergency matters for the immediate consideration by the 69th Legislature, now convened:

1. Authorizing and making a supplemental appropriation to the Texas Real Estate Commission relative to implementation of the Texas Time Share Act, included in **S.B. 1478** by Farabee.
2. Supplemental appropriations to the Texas Board of Chiropractic Examiners, included in **S.B. 1464** by Howard.
3. Amending the current General Appropriations Act, **S.B. 179**, Acts of the Sixty-eighth Legislature, R.S., by adding the Texas State Technical Institute to those institutions eligible to benefit from the existing contingency appropriation to the Coordinating Board for purchased utilities, included in **H.B. 2414** by Denton and **S.B. 568** by Edwards.

Respectfully submitted,

/s/Mark White
Governor of Texas

SENATE CONCURRENT RESOLUTION 178

Senator Mauzy offered the following resolution:

S.C.R. 178, Congratulating United Auto Workers on their Fiftieth National anniversary and their Fortieth Texas anniversary.

The resolution was read.

On motion of Senator Mauzy and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 1187 ON THIRD READING

Senator Brown moved to suspend the regular order of business to take up on third reading and final passage:

S.B. 1187, Relating to the prohibition of the municipal regulation of firearms, ammunition, and firearm supplies.

The motion prevailed by the following vote: Yeas 23, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Glasgow, Harris, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent: Farabee, Henderson, Parker.

Absent-excused: Caperton, Howard, Jones.

The bill was read third time.

Senator Glasgow offered the following amendment to the bill:

Amend **S.B. 1187** by striking all below the enacting clause and substituting in lieu thereof the following:

"SECTION 1. PROHIBITION.

Except as provided by Section 2 of this Act, a city or town may not adopt regulations relating to the transfer, private ownership, keeping, transportation, license, registration of firearms, ammunition or firearm supplies.

SECTION 2. EXCEPTIONS. (a) This act does not affect the authority that a city or town may have under another law:

(1) to require citizens or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) to regulate the discharge of firearms within the limits of the city or town; or

(3) to regulate the use of property or location of businesses or uses therein pursuant to the city's fire code, zoning ordinance or land use regulations so long as such codes, ordinances and regulations are not used to circumvent the intent of Section 1 or Section 2(5);

(4) to regulate the use of firearms in cases of insurrections, riots, and natural disasters in which the city finds such regulations necessary to protect the health and safety of the public; or

(5) to regulate the storage or transportation of explosives in order to protect the health and safety of the public with the exception of blackpowder which is exempt up to 25 pounds per private residence and 50 pounds per retail dealer.

(6) to regulate the carrying of a firearm at:

(A) a public park or at a public meeting of a city, county or other governmental body;

(B) a political rally, parade or official political meeting;

(C) a non firearms related school, college or professional athletic event.

(b) The exception provided by Subsection (6) of this Section does not apply if the firearm was in or carried to and from an area designated for use in a lawful hunting, fishing or other sporting event and the firearm is of the type commonly used in the activity.

SECTION 3. PUNISHMENT OF PRIOR VIOLATIONS. This act does not affect a violation occurring before the effective date of this Act of a regulation invalidated by this Act. A proceeding to punish the violation may be instituted and liability or a penalty may be imposed as if this Act were not in force. The regulation is continued in effect for this purpose.

SECTION 4. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an

imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted by the following vote: Yeas 25, Nays 0.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent: Harris, Henderson, Mauzy.

Absent-excused: Caperton, Howard, Jones.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed by the following vote: Yeas 25, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Harris, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent: Henderson.

Absent-excused: Caperton, Howard, Jones.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 270, Relating to an exemption of certain city purchases from competitive bidding requirements. (With amendment)

S.B. 716, Relating to the creation of political subdivisions in municipal industrial districts and to the exclusion of industrial district land from political subdivisions. (With amendment)

S.B. 839, Repealing Chapter 155, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency.

S.B. 863, Relating to the definition of "project" to include certain projects for maintenance and enhancement of water quality under state water assistance and water development programs. (As substituted)

S.B. 1335, Relating to the creation, administration, powers, duties, operation, and financing of the Jefferson County Indigent Health Care District and the cooperation of the county and cities within the county.

S.B. 1114, Relating to application of weight, width, and size regulations to the movement of implements of husbandry on public highways; prescribing certain fees.

S.B. 967, Relating to deleting the requirement that a city have a population of twelve thousand or less inhabitants as a condition for annexing an area less than 500 feet wide, two sides of which are contiguous with the boundaries of city. (With amendment)

S.B. 1034, Relating to interest on customer deposits for utility service; amending Article 1440a, Revised Statutes, as amended.

S.B. 21, Relating to compliance with federal highway legislation by revising alcoholic beverage regulations relating to age. (As substituted)

S.B. 85, Relating to the procedure for verifying voters' signatures on carrier envelopes for absentee ballots voted by mail.

S.B. 382, Relating to duties of the clerk of county and district courts in regard to appeals and judgments in workers' compensation cases. (With amendment)

S.B. 440, Relating to the governance, territory, and powers of a metropolitan rapid transit authority. (With amendment)

S.B. 482, Relating to the payment of suspense and trust fund warrants issued by the comptroller of public accounts.

S.B. 527, Relating to factors to be considered in issuing, amending, or renewing a permit to discharge certain effluent into or adjacent to water in this state. (With amendment)

S.B. 528, Relating to the discharge of certain effluent within one mile of a park, playground, or schoolyard.

S.B. 723, Relating to fee schedules for services of certain domestic relations offices.

S.B. 809, Relating to the requirements that an organization must meet to qualify as a charitable organization exempt from property taxation. (As substituted)

S.B. 829, Relating to the authority of a political subdivision to contract with certain counties or state agencies to assist in the enforcement of outstanding warrants of arrest for the failure to appear or pay a fine on a complaint...

S.B. 830, Relating to the validation of the adoption of a charter, incorporation proceedings, elections, annexations, issuance of municipal airport notes and deeds of trust, and subsequent governmental proceedings of municipalities. (With amendments)

S.B. 858, Relating to litter abatement; providing penalties.

S.B. 1055, Relating to adoption by estoppel of a child who dies before its adoption is finalized and to the birth and death records of that child.

S.B. 1155, Relating to the required procedure for proceedings involving certain utilities.

S.B. 1224, Relating to the conveyance of certain land in Tyler County under the control of the General Land Office in exchange for certain land in Cherokee County under the control of the board of regents of The Texas....

S.B. 1245, Relating to the boundaries and conservation program of the Nueces River Authority.

S.B. 1270, Relating to the appointment, qualifications, compensation, powers, and duties of a master in certain district courts in Dallas County, to assessment of court costs, and to procedures and use of the master's findings. (With amendment)

S.B. 1336, Relating to the board of directors, its powers and duties, and the administration, operation, and financing of the Montgomery County Hospital District.

S.B. 1388, Relating to the licensing and regulation of and the placement of motor vehicles in motor vehicle storage facilities; providing for fees and their use; giving certain rights to owners of vehicles, as defined in the Act. (As substituted)

S.B. 1391, Relating to the authority of the State Board of Insurance with respect to rates and compilation of statistical data and to certain expenses.

S.B. 1437, Relating to the construction, operation, and financing of a district office building, fire station and community center by Lake L.B.J. Municipal Utility District.

S.B. 1300, Relating to the conveyance of certain state-owned real property in Travis County and disposition of the proceeds of sale and to transfer of certain real property by the Parks and Wildlife Department. (With amendment)

S.B. 1330, Relating to the acquisition, development, and operation of certain islands and related facilities and improvements.

S.B. 1153, Relating to net effective interest rate on certain public securities.

H.B. 2499, Relating to the dissolution of the Bexar County Water Control and Improvement District No. 18.

H.B. 2519, Relating to the creation, administration, powers, duties, operation, and financing of the Bastrop County Reclamation, Road, and Utility District No. 1.

H.B. 1344, Relating to the officers who are authorized to enforce weight limits for motor vehicles.

H.B. 1069, Relating to the eligibility of a chief appraiser to serve on the State Property Tax Board.

H.B. 1744, Relating to the shipment of certain unused drugs to foreign countries.

H.B. 2479, Relating to dissolution of the Bexar County Water Control and Improvement District No. 17.

H.B. 1903, Relating to items exempt from the purchasing authority of the State Purchasing and General Services Commission.

H.B. 1968, Relating to eligibility requirements to be elected or to serve as a member of a school district board of trustees.

H.B. 1973, Relating to the lease of certain state-owned land by the Texas Board of Mental Health and Mental Retardation for use by the Austin Child Guidance Center.

H.B. 1975, Relating to appeals by the ratepayers of a municipally-owned electric utility outside the municipal limits from utility rate actions by the governing body of a municipality.

H.B. 2036, Relating to minor adjustments of school district boundaries by agreement of the affected districts.

H.B. 2096, Relating to the authorization of the State Preservation Board to provide for the offering of Sesquicentennial Commemorative products in the Capitol.

H.B. 2414, Relating to the inclusion of Texas State Technical Institute among the institutions eligible to benefit from an existing appropriation for purchased utilities.

H.C.R. 161, Authorizing the placement of a monument in the Capitol to commemorate the 40th anniversary of the Texas Public Employees Association and the Sesquicentennial of Texas independence.

H.B. 2370, Relating to the submission and approval of certain development plats in cities of 1,500,000 residents or more; providing penalty.

H.B. 2522, Relating to the creation, administration, powers, duties, operation, and financing of the S. E. Thompson Municipal Utility District No. 1.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

GUEST PRESENTED

Senator Washington was recognized and introduced the Capitol Physician for the Day, Dr. Sam Nixon of Houston.

The Senate expressed their appreciation for his service.

COMMITTEE SUBSTITUTE SENATE BILL 1440 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1440, Relating to the coverage for treatment of mental and emotional illness and disorders in certain accident and sickness insurance policies; amending Subsection (F), Section 2, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955, as amended, (Article 3.70-2(F), Vernon's Texas Insurance Code), as added by Chapter 315, Acts of the 68th Legislature, Regular Session, 1983.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1440 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1440** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent: Henderson, McFarland.

Absent-excused: Caperton, Howard, Jones.

The bill was read third time and was passed.

SENATE BILL 1465 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1465, Relating to the creation, administration, powers, duties, operation, and financing of the Homestead Municipal Utility District No. 1.

The bill was read second time.

Senator Santiesteban offered the following committee amendment to the bill:

Amend S.B. 1465 as follows:

Insert the following new Section 7 and renumber subsequent Sections 8-12:

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future uses.

The committee amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 1465 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1465 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Howard, Jones.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Caperton, Howard, Jones.

SENATE BILL 1466 ON SECOND READING

On motion of Senator Santiesteban and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1466, Relating to the creation, administration, powers, duties, operation, and financing of the Homestead Municipal Utility District No. 2.

The bill was read second time.

Senator Santiesteban offered the following committee amendment to the bill:

Amend S.B. 1466 as follows:

Insert the following new Section 7 and renumber subsequent Sections 8-12:

The District shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies which will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future uses.

The committee amendment was read and was adopted.

On motion of Senator Santiesteban and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

(Senator Brooks in Chair)

SENATE BILL 1466 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1466 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Howard, Jones.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Caperton, Howard, Jones.

SENATORS ANNOUNCED PRESENT

Senators Caperton, Howard and Jones who had previously been recorded as "Absent-excused" were announced "Present".

COMMITTEE SUBSTITUTE SENATE BILL 61 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 61, Relating to the testimony of one spouse against the other in a criminal prosecution; amending Article 38.11, Code of Criminal Procedure, 1965, as amended.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 61 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 61** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 245, Congratulating Michele Johanna Shanafelt on being crowned Miss Houston 1985.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 344 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 344, Relating to a presumption in civil actions concerning the cost and necessity of services.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend **S.B. 344** by striking all the language beneath the enacting clause and substitute the following:

SECTION 1. Section 1, Subsection (b), Chapter 721, Acts of the 66th Legislature, Regular Session, 1979 (Article 3737h, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. (a) In a civil action other than an action on sworn account, the amount charged for services by a person or institution, when supported by affidavit that the charges reflected in the affidavit were reasonable at the time and place that the services were rendered and that the services were necessary, is sufficient evidence to support a finding of fact by judge or jury that the services were necessary or that the amount charged was reasonable, or both. The affidavit shall be taken before an officer authorized to administer oaths, shall be made by a person who rendered the services or who is in charge of records that show the services rendered and the charges made, and shall include an itemized statement of the services and the charges.

(b) As a condition precedent to applicability of Subsection (a) of this Section 1, the party asserting such applicability, or such party's attorney of record, shall file the affidavit provided for in said Subsection (a) with the clerk of the court and shall serve a copy thereof on each other party to the cause, or such other party's attorney of record, at least ~~[14]~~ 30 days prior to the day on which presentation of evidence at trial of the cause commences. As a condition precedent to controverting a claim covered by an affidavit so filed and served, any party intending to controvert all or part of any such claim shall, within ~~[10]~~ 30 days after receipt of such party's copy of such affidavit but not later than 14 days prior to the day on which presentation of evidence at trial of the cause commences, or with leave of court first had and obtained at any time prior to commencement of evidence at trial of the cause, file a counter-affidavit with the clerk of the court and serve a copy thereof on each other party to the cause, or such other party's attorney of record. The counter-affidavit shall give reasonable notice of the basis upon which the party filing it intends at trial to controvert all or part of the claim covered by the initial affidavit. The counter-affidavit shall be taken before a person authorized to administer oaths and ~~[may be made upon information and belief by the party filing it, or such party's attorney of record:]~~ shall be made by any person who is qualified, by knowledge, skill, experience, training, education, or other expertise, to testify in contravention of all or part of any of the matters contained in the initial affidavit. When a counter-affidavit is so filed and served, then Subsection (a) of this Section 1 shall thereafter have no force or effect at the trial of the cause.

SECTION 2. This Act takes effect September 1, 1985, and applies only to actions filed on or after that date. An affidavit concerning the cost and necessity of services in an action filed before the effective date of this Act is governed by Chapter 721, Acts of the 66th Legislature, Regular Session, 1979 (Article 3737h, Vernon's Texas Civil Statutes), as it existed at the time the action was filed, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 344 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 344 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: McFarland.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 1176 ON SECOND READING

On motion of Senator Krier and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1176, Relating to reporting of child abuse and to the offense of failure to report child abuse or neglect.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1176 ON THIRD READING

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1176 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: McFarland.

The bill was read third time and was passed.

SENATE BILL 1368 ON SECOND READING

Senator Mauzy asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1368, Relating to the appointment of bailiffs for certain courts in Dallas County.

There was objection.

Senator Mauzy then moved to suspend the regular order of business and take up **S.B. 1368** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Leedom, Sims.

Absent: McFarland.

The bill was read second time and was passed to engrossment.

SENATE BILL 1368 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1368** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Leedom, Sims, Washington.

Absent: McFarland.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 755 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 755, Relating to authorizing the creation of rapid transit authorities in cities containing at least 170,000 inhabitants; and declaring an emergency.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 755** by striking Section 2 and substituting the following:

SECTION 2. (a) This Act applies only to a city that: (i) has a population of 170,000 or more according to the most recent federal census; (ii) operates a rapid transit system; and (iii) subsequent to January 1, 1985 has sustained a reduction in the annual amount of federal subsidies provided to the city or the city's rapid transit system under the Surface Transportation Assistance Act of 1982 (Public Law 97-424, as amended).

(b) This Act does not apply to a city that prior to the effective date of this Act was included within the boundaries of a rapid transit authority or eligible to create a rapid transit authority pursuant to the provisions of Article 1118x or Article 1118y, Vernon's Texas Civil Statutes.

The amendment was read and was adopted.

Senator Montford offered the following amendment to the bill:

Floor Amendment No. 2

Amend Section 1 of C.S.S.B. 755 by adding the word transportation after the word surface under the definition of "Rapid transit."

The amendment was read and was adopted.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 755 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 755 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent: McFarland.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 174

Senator Brooks offered the following resolution:

S.C.R. 174, Commending accomplishments and efforts of Pfizer, Incorporated, and extending gratitude for their sponsoring the 1985 Texas State Capitol Health Fair.

BROOKS
MAUZY

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider H.B. 1385 today.

HOUSE CONCURRENT RESOLUTION 245

The President laid before the Senate the following resolution:

H.C.R. 245, Congratulating Michele Johanna Shanafelt on being crowned Miss Houston 1985.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted.

GUEST PRESENTED

The Houston delegation escorted Miss Shanafelt to the President's rostrum.

The Presiding Officer (Senator Brooks in Chair) presented an enrolled copy of H.C.R. 245 to "Miss Houston".

SENATE BILL 574 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 574, Relating to the punishment for repeat and Habitual Felony offenders and punishment for offenses committed in violation of the Controlled Substances Act.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 1

Amend S. B. 574 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subsection (b), Section 12.32, Penal Code, as amended, is amended to read as follows:

"(b) In addition to imprisonment, an individual adjudged guilty of a felony of the first degree may be punished by a fine not to exceed \$20,000 [~~\$10,000~~]."

SECTION 2. Subsections (c) and (d), Section 12.42, Penal Code, as amended, are amended to read as follows:

"(c) If it be shown on the trial of a first-degree felony that the defendant has been once before convicted of any felony, on conviction he shall be punished by confinement in the Texas Department of Corrections for life, or for any term of not more than 99 years or less than 15 years. In addition to imprisonment, a defendant in the trial of a first-degree felony who has been shown to have been once before convicted of any felony on conviction may be punished by a fine not to exceed \$20,000.

"(d) If it be shown on the trial of any felony offense that the defendant has previously been finally convicted of two felony offenses, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction he shall be punished by confinement in the Texas Department of Corrections for life, or for any term of not more than 99 years or less than 25 years. In addition to imprisonment, a defendant in the trial of any felony offense who has been shown to have been previously finally convicted of two felony offenses, and the second previous felony conviction is for an offense that occurred subsequent to the first previous conviction having become final, on conviction may be punished by a fine not to exceed \$20,000."

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

On motion of Senator McFarland and by unanimous consent, Floor Amendment No. 1 was withdrawn.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 2

Substitute the following for S.B. 574:

SECTION 1. Section 12.42(c), Penal Code, is amended to read as follows:

(c) If it be shown on the trial of a first degree felony that the defendant has been once before convicted of any felony, on conviction he shall be punished by confinement in the Texas Department of Corrections for life, or for any term of not more than 99 years or less than 15 years. In addition to imprisonment, an individual may be punished by a fine not to exceed \$10,000.

SECTION 2. This Act takes effect September 1, 1985.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 3

Amend S.B. 574 by striking all above the enacting clause and substituting in lieu thereof the following:

relating to the punishment for first degree felony offenders and for certain repeat offenders; amending Subsection (b), Section 12.32, and Subsections (c) and (d), Section 12.42, Penal Code, as amended.

The amendment was read and was adopted.

The bill as amended was passed to engrossment.

SENATE BILL 574 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 574 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed.

LEAVES OF ABSENCE

On motion of Senator Mauzy, Senators Howard, Jones and Traeger were granted leave of absence to attend appropriation conference committee meeting.

SENATE BILL 1463 ON SECOND READING

Senator Whitmire asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1463, Relating to the exemption of certain recreational boats from ad valorem taxation and from forced sale for debt and authorizing the governing body of each taxing unit to provide for the taxation of recreational boats; adding Section 11.251 to Chapter 11, Subchapter B, Tax Code; amending Subsection (a), Article 3836, Revised Statutes, as amended.

There was objection.

Senator Whitmire then moved to suspend the regular order of business and take up **S.B. 1463** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Kothmann, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Truan, Uribe, Whitmire, Williams.

Nays: Krier, Mauzy, Washington.

Absent-excused: Howard, Jones, Traeger.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1463** by substituting the following for Section 2:

SECTION 2. Section 42.002, Property Code, is amended to read as follows:
Section 42.002. Personal Property Eligible for Exemption

The following personal property is eligible for the exemption:

- (1) home furnishings, including family heirlooms;
- (2) provisions for consumption;
- (3) if reasonably necessary for the family or single adult:
 - (A) farming or ranching implements;
 - (B) tools, equipment, books, and apparatus, including a boat, used in a trade or profession;
 - (C) clothing;
 - (D) two firearms; and
 - (E) athletic and sporting equipment;
- (4) if not held or used for production of income, all boats and passenger cars and light trucks as defined by Section 2, Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes), or, whether or not held for the production of income, two of the following categories of means of travel:
 - (A) two animals from the following kinds with a saddle and bridle for each:
 - (i) horses;
 - (ii) colts;
 - (iii) mules; and
 - (iv) donkeys;
 - (B) a bicycle or motorcycle;
 - (C) a wagon, cart, or dray, with reasonably necessary harness;
 - (D) an automobile;
 - (E) a truck cab;
 - (F) a truck trailer;
 - (G) a camper truck;
 - (H) a truck; and
 - (I) a pickup truck;

(5) the following animals and forage on hand reasonably necessary for their consumption:

- (A) 5 cows and their calves;
- (B) 1 breeding age bull;
- (C) 20 each of hogs, sheep, and goats;
- (D) 50 chickens; and
- (E) 30 each of turkeys, ducks, geese, and guineas;

(6) household pets;

(7) the cash surrender value of any life insurance policy in force for more than two years to the extent that a member of the insured person's family or a dependent of the single person claiming the exemption is a beneficiary of the policy; and

(8) current wages for personal services.

The amendment was read.

On motion of Senator Whitmire and by unanimous consent, the amendment was withdrawn.

The bill was passed to engrossment.

RECORD OF VOTES

Senators Mauzy and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

LEAVE OF ABSENCE

On motion of Senator Mauzy, Senator Farabee was granted leave of absence to attend meeting of appropriation conference committee.

SENATE BILL 1463 ON THIRD READING

Senator Whitmire moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1463 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Glasgow, Henderson, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Uribe, Whitmire, Williams.

Nays: Mauzy, Truan, Washington.

Absent: Harris.

Absent-excused: Farabee, Howard, Jones, Traeger.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 3. (Same as previous roll call)

LEAVE OF ABSENCE

On motion of Senator Mauzy, Senator Caperton was granted leave of absence to attend meeting of appropriation conference committee.

SENATOR ANNOUNCED PRESENT

Senator Farabee who had previously been recorded as "Absent-excused" was announced "Present".

COMMITTEE SUBSTITUTE SENATE BILL 1130 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1130, Relating to the authority of the Texas Water Commission to grant waste discharge permits.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1130 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1130** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Howard, Jones, Traeger.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Caperton, Howard, Jones, Traeger.

SENATE BILL 1281 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1281, Relating to hearing examiners for an appeal of job actions against a fire fighter or police officer in certain cities.

The bill was read second time and was passed to engrossment.

SENATE BILL 1281 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1281** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 21, Nays 5.

Yeas: Barrientos, Blake, Brooks, Edwards, Glasgow, Harris, Kothmann, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Brown, Henderson, Krier, Leedom, Sims.

Absent: Farabee.

Absent-excused: Caperton, Howard, Jones, Traeger.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 6.

Yeas: Barrientos, Blake, Brooks, Edwards, Farabee, Glasgow, Harris, Kothmann, Lyon, McFarland, Mauzy, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Brown, Henderson, Krier, Leedom, Montford, Sims.

Absent-excused: Caperton, Howard, Jones, Traeger.

MESSAGE FROM THE HOUSE

House Chamber
May 22, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 1749, Relating to the reuse of developed water by any city or town; providing a procedure by which the Texas Water Commission may authorize such reuse; defining "developed water."

S.B. 195, Relating to the continuation, membership, administration, programs, and finances of the State Commission for the Blind and to change of its name.

S.B. 201, Relating to the membership, operations, finances, powers and duties, and continuation of, and imposition of certain fees by the Anatomical Board of the State of Texas.

S.B. 203, Relating to continuation, term, administration, duties, operations, and finances of the office of Canadian River Compact Commissioner for Texas and cooperation of the Texas Department of Water Resources.

S.B. 204, Relating to the continuation, term, duties, and operation of the office of Pecos River Compact Commissioner for Texas and cooperation of the Texas Department of Water Resources.

S.B. 205, Relating to continuation, term, rights, and duties of the office of Red River Compact Commissioner for Texas.

S.B. 209, Relating to the continuation, duties, and operations of the office of Rio Grande Compact Commissioner of Texas.

S.B. 229, Relating to voters in and dissolution of soil and water conservation districts and the operation, powers, duties, and continuation of the State Soil and Water Conservation Board.

S.B. 255, Relating to the continuation, composition, powers, and duties of the office of the Interstate Compact on Mental Health Administrator for Texas and to the annual report filed by the Department of Mental Health and Mental Retardation.

S.B. 261, Relating to the continuation, membership, operation, and powers and duties of the Board for Lease of University Lands and to requirements under certain leases issued by the Board of Regents of The University of Texas System. (As substituted)

S.B. 262, Relating to the continuation of the office of state forester with change of name.

S.B. 291, Relating to the office of state entomologist, change of name, and the administration of laws relating to beekeeping and beekeeping equipment; authorizing fees; providing penalties.

S.B. 493, Relating to management of public lands, to the continuation, administration, powers, and duties of the School Land Board, to the powers and duties of the commissioner of the General Land Office. (As substituted)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 709 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 709, Relating to the transfer of a child from the juvenile court to a court having criminal jurisdiction and to examining trials and appeals in criminal cases.

The bill was read second time and was passed to engrossment.

SENATE BILL 709 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 709** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent: Farabee.

Absent-excused: Caperton, Howard, Jones, Traeger.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 743 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 743, Relating to a person's property right in the person's name, voice, signature, photograph, or likeness.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend Section 191.004 of **S.B. 743** by striking subsections (a) and (b) in their entirety and substituting the following:

"If on the death of an owner of an interest in a right under this chapter the descent of the interest has not been determined, the interest descends as provided by the Texas Probate Code for the descent of personal property."

The amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 743 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 743 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Howard, Jones, Traeger.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Caperton, Howard, Jones, Traeger.

LEAVE OF ABSENCE

On motion of Senator Mauzy, Senator Farabee was granted leave of absence to attend meeting of appropriation conference committee.

SENATE BILL 1392 ON SECOND READING

Senator Parmer asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 1392, Relating to the authority of the attorney general to seize cruelly treated animals; amending Subsection (a), Section 2, Chapter 77, Acts of the 64th Legislature, Regular Session, 1975, as amended (Article 182a, Vernon's Texas Civil Statutes).

There was objection.

Senator Parmer then moved to suspend the regular order of business and take up **S.B. 1392** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 4.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Kothmann, Krier, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Truan, Uribe, Whitmire, Williams.

Nays: Glasgow, Harris, Sims, Washington.

Absent: Henderson, Leedom, Sarpalius.

Absent-excused: Caperton, Farabee, Howard, Jones, Traeger.

The bill was read second time.

Senator Parmer offered the following committee amendment to the bill:

Amend **S.B. 1392**, Section 1, Subsection (a) line 11 as follows: by adding "county attorney, criminal district attorney after "attorney general," and before "a county sheriff" on line 11.

The amendment was read and was adopted.

On motion of Senator Parmer and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTES

Senators Glasgow, Howard and Sims asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATOR ANNOUNCED PRESENT

Senator Traeger who had previously been recorded as "Absent-excused" was announced "Present".

MOTION TO PLACE SENATE BILL 1392 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 1392 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 18, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Kothmann, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Truan, Uribe, Whitmire, Williams.

Nays: Glasgow, Harris, Howard, Krier, Sims, Traeger, Washington.

Absent: Henderson, Leedom, Sarpalius.

Absent-excused: Caperton, Farabee, Jones.

COMMITTEE SUBSTITUTE SENATE BILL 1484 ON SECOND READING

On motion of Senator Sharp and by unanimous consent, the regular order of business and Senate Rule 14.2 relating to the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1484, Relating to the dissolution of the Refugio County Memorial Hospital District.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1484 ON THIRD READING

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1484 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Farabee, Howard, Jones.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Caperton, Farabee, Howard, Jones.

SENATE BILL 1049 ON SECOND READING

On motion of Senator Edwards and by unanimous consent, the regular order of business and Senate Rule 14.2 relating to the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1049, Relating to technology training and creating the Technology Training Board.

The bill was read second time and was passed to engrossment.

SENATE BILL 1049 ON THIRD READING

Senator Edwards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1049** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Caperton, Farabee, Jones.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Howard.

Absent-excused: Caperton, Farabee, Jones.

SENATOR ANNOUNCED PRESENT

Senator Howard who had previously been recorded as "Absent-excused" was announced "Present".

SENATE BILL 465 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business and Senate Rule 14.2 relating to the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 465, Relating to the creation of a judicial district composed of Denton County.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 465 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 465** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Glasgow, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Montford,

Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent-excused: Caperton, Farabee, Jones.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

SENATOR ANNOUNCED PRESENT

Senator Caperton who had previously been recorded as "Absent-excused" was announced "Present".

SENATE BILL 708 ON SECOND READING

Senator Lyon asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 708, Relating to complaints about and disciplinary measures taken against law enforcement officers or fire fighters.

There was objection.

Senator Lyon then moved to suspend the regular order of business and take up **S.B. 708** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Barrientos, Brooks, Caperton, Edwards, Glasgow, Henderson, Kothmann, Krier, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Blake, Brown, Howard, Leedom, McFarland, Sarpalius, Sharp, Sims, Traeger.

Absent: Harris.

Absent-excused: Farabee, Jones.

The bill was read second time.

Senator Lyon offered the following committee amendment to the bill:

Amend **S.B. 708** by adding Subsection (c) to read as follows:

"(c) For the purposes of this section, 'disciplinary action' means termination, demotion, or suspension exceeding three days."

The amendment was read and was adopted.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

MOTION TO PLACE SENATE BILL 708 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 708** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 18, Nays 10. (Not receiving four-fifths vote of the Members present)

Yeas: Barrientos, Brooks, Caperton, Edwards, Glasgow, Henderson, Kothmann, Krier, Lyon, Mauzy, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Brown, Howard, Leedom, McFarland, Sarpalius, Sharp, Sims, Traeger, Washington.

Absent: Harris.

Absent-excused: Farabee, Jones.

SENATE RULE 103 SUSPENDED

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider the following bills today:

H.B. 1591

H.B. 2470

S.B. 1480

H.C.R. 40

SENATE BILL 1491 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business and Senate Rule 14.2 relating to the Intent Calendar were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1491, Relating to the creation, administration, powers, duties, operations, and financing of the Sulphur River Basin Authority; authorizing certain public agencies to contract with the authority; and providing penalties.

The bill was read second time and was passed to engrossment.

SENATE BILL 1491 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1491** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Glasgow, Henderson, Howard, Kothmann, Krier, Leedom, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Lyon, Washington.

Absent: Harris.

Absent-excused: Farabee, Jones.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Nays: Lyon.

Absent: Harris.

Absent-excused: Farabee, Jones.

HOUSE BILL 2012 REREFERRED

On motion of Senator Mauzy and by unanimous consent, **H.B. 2012** was withdrawn from the Committee on Economic Development and rereferred to the Committee on Health and Human Resources.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read the first time and referred to the Committee indicated:

H.B. 1975, To Committee on State Affairs
H.B. 1973, To Committee on State Affairs.
H.B. 280, To Committee on Jurisprudence.
H.B. 2370, To Committee on Intergovernmental Relations.
H.B. 1903, To Committee on State Affairs.
H.B. 490, To Committee on Intergovernmental Relations.
H.B. 1986, To Committee on Intergovernmental Relations.
H.B. 1585, To Committee on State Affairs.
H.B. 1985, To Committee on Intergovernmental Relations.
H.B. 2316, To Committee on State Affairs.
H.B. 1554, To Committee on Criminal Justice.
H.B. 158, To Committee on Education.
H.C.R. 174, To Committee on State Affairs.
H.C.R. 99, To Committee on Education.
H.C.R. 131, To Committee on Jurisprudence.
H.C.R. 141, To Committee on State Affairs.
H.C.R. 219, To Committee on Jurisprudence.
H.C.R. 78, To Committee on Administration.
H.J.R. 70, To Committee on Finance.

MOTION TO ADJOURN

On motion of Senator Mauzy and by unanimous consent, the Senate agreed to adjourn, upon the completion of the Joint Session today, until 10:30 o'clock a.m. tomorrow.

RECESS

On motion of Senator Mauzy, the Senate at 12:34 o'clock p.m. took recess until 2:00 o'clock p.m. today.

JOINT SESSION

(To hear address by Mr. Elie Wiesel, survivor of Nazi death camps, author and humanitarian.)

The President of the Senate and the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 2:00 o'clock p.m., pursuant to the provisions of **S.C.R. 165**.

The Senators were announced and were admitted and escorted to the seats prepared for them along the aisle.

The Honorable Gib Lewis, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present and stated the purpose of the Joint Session.

The President called the Senate to order and announced a quorum of the Senate present.

Speaker Lewis introduced platform guests and presented the President who introduced Mr. Wiesel.

Mr. Wiesel addressed the Joint Session.

MEMORIAL RESOLUTIONS

S.R. 487 - By Glasgow: Memorial resolution for Mrs. Charline L. Mitchell.

S.R. 488 - By Glasgow: Memorial resolution for Hall Buchanan.

S.R. 489 - By Glasgow: Memorial resolution for Frank Willey.

S.R. 490 - By Glasgow: Memorial resolution for Darwin L. Wilder.

S.R. 491 - By Glasgow: Memorial resolution for Earl E. Porter.

S.R. 492 - By Glasgow: Memorial resolution for Miss D'Ann Graham.

S.R. 493 - By Glasgow: Memorial resolution for Harry J. Huddleston.

S.R. 494 - By Glasgow: Memorial resolution for Steve MacGorman.

S.R. 495 - By Glasgow: Memorial resolution for G. Newton Gamble.

S.R. 496 - By Glasgow: Memorial resolution for W. H. Smith, Sr.

S.R. 497 - By Glasgow: Memorial resolution for Dr. George Kaprelian.

S.R. 498 - By Glasgow: Memorial resolution for Howard C. Key.

S.R. 499 - By Glasgow: Memorial resolution for William Leroy "Bill" Crouch.

S.R. 500 - By Glasgow: Memorial resolution for Emory L. "Dusty" Rhoades, Jr.

S.R. 501 - By Glasgow: Memorial resolution for Anne Johnson Foster.

CONGRATULATORY RESOLUTIONS

H.C.R. 224 - (Krier): Designating July 1-7, 1985, as Patriotism Week in Texas.

S.C.R. 177 - By Barrientos: Extending congratulations to Texas Legislative Service for 60 years of service to people and Legislature of Texas.

S.R. 482 - By Sharp: Extending congratulations to Festival-Institute at Round Top on 15th anniversary.

S.R. 484 - By Barrientos: Extending congratulations to Jose Medrano.

S.R. 486 - By Blake: Recognizing week of September 16, 1985 through September 21, 1985, as Texas Horticultural Week.

S.R. 502 - By Uribe: Extending congratulations to volunteers who make Texas Special Olympics possible.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 2:24 o'clock p.m. would stand adjourned until 10:30 o'clock a.m. tomorrow, in accordance with a motion previously adopted by the Senate.